

(D) Any other vessel for which the Secretary decides that an automatic identification system is necessary for the safe navigation of the vessel.

(2) The Secretary may—

(A) exempt a vessel from paragraph (1) if the Secretary finds that an automatic identification system is not necessary for the safe navigation of the vessel on the waters on which the vessel operates; and

(B) waive the application of paragraph (1) with respect to operation of vessels on navigable waters of the United States specified by the Secretary if the Secretary finds that automatic identification systems are not needed for safe navigation on those waters.

(b) REGULATIONS.—The Secretary shall prescribe regulations implementing subsection (a), including requirements for the operation and maintenance of the automatic identification systems required under subsection (a).

(Added Pub. L. 107-295, title I, §102(a), Nov. 25, 2002, 116 Stat. 2082.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Pub. L. 107-295, title I, §102(e), Nov. 25, 2002, 116 Stat. 2084, provided that:

“(1) SCHEDULE.—Section 70114 of title 46, United States Code, as enacted by this Act, shall apply as follows:

“(A) On and after January 1, 2003, to any vessel built after that date.

“(B) On and after July 1, 2003, to any vessel built before the date referred to in subparagraph (A) that is—

“(i) a passenger vessel required to carry a certificate under the International Convention for the Safety of Life at Sea, 1974 (SOLAS) [see 33 U.S.C. 1602 and notes thereunder];

“(ii) a tanker; or

“(iii) a towing vessel engaged in moving a tank vessel.

“(C) On and after December 31, 2004, to all other vessels built before the date referred to in subparagraph (A).

“(2) DEFINITION.—The terms in this subsection have the same meaning as those terms have under section 2101 [now also 115] of title 46, United States Code.”

§ 70115. Long-range vessel tracking system

Not later than April 1, 2007, the Secretary shall, consistent with international treaties, conventions, and agreements to which the United States is a party, develop and implement a long-range automated vessel tracking system for all vessels in United States waters that are equipped with the Global Maritime Distress and Safety System or equivalent satellite technology. The system shall be designed to provide the Secretary the capability of receiving information on vessel positions at interval positions appropriate to deter transportation security incidents. The Secretary may use existing maritime organizations to collect and monitor tracking information under the system.

(Added Pub. L. 107-295, title I, §102(a), Nov. 25, 2002, 116 Stat. 2083; amended Pub. L. 108-293, title VIII, §803(b), Aug. 9, 2004, 118 Stat. 1080; Pub. L. 109-347, title I, §107(a), Oct. 13, 2006, 120 Stat. 1891.)

Editorial Notes

AMENDMENTS

2006—Pub. L. 109-347, in first sentence, substituted “Not later than April 1, 2007, the Secretary” for “The Secretary”.

2004—Pub. L. 108-293, in first sentence, substituted “shall, consistent with international treaties, conventions, and agreements to which the United States is a party,” for “may”.

Statutory Notes and Related Subsidiaries

REGULATIONS

Pub. L. 109-347, title I, §107(b), Oct. 13, 2006, 120 Stat. 1891, provided that: “The Secretary [of Homeland Security] may issue regulations to establish a voluntary long-range automated vessel tracking system for vessels described in section 70115 of title 46, United States Code, during the period before regulations are issued under such section.”

LONG-RANGE VESSEL TRACKING SYSTEM

Pub. L. 109-241, title IV, §404, July 11, 2006, 120 Stat. 535, provided that:

“(a) PILOT PROJECT.—The Secretary of the department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard, shall conduct a 3-year pilot program for long-range tracking of up to 2,000 vessels using satellite systems with a non-profit maritime organization that has a demonstrated capability of operating a variety of satellite communications systems providing data to vessel tracking software and hardware that provides long-range vessel information to the Coast Guard to aid maritime security and response to maritime emergencies.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary \$4,000,000 for each of fiscal years 2006, 2007, and 2008 to carry out subsection (a).”

§ 70116. Port, harbor, and coastal facility security

(a) GENERAL AUTHORITY.—The Secretary may take actions described in subsection (b) to prevent or respond to an act of terrorism, cyber incidents, transnational organized crime, and foreign state threats against—

(1) an individual, vessel, or public or commercial structure, that is—

(A) subject to the jurisdiction of the United States; and

(B) located within or adjacent to the marine environment; or

(2) a vessel of the United States or an individual on board that vessel.

(b) SPECIFIC AUTHORITY.—Under subsection (a), the Secretary may—

(1) carry out or require measures, including inspections, port and harbor patrols, the establishment of security and safety zones, and the development of contingency plans and procedures, to prevent or respond to acts of terrorism cyber¹ incidents, transnational organized crime, and foreign state threats;

(2) recruit members of the Regular Coast Guard and the Coast Guard Reserve and train members of the Regular Coast Guard and the Coast Guard Reserve in the techniques of preventing and responding to acts of terrorism cyber¹ incidents, transnational organized crime, and foreign state threats; and

¹ So in original. Probably should be preceded by a comma.